

RECEIPT NUMBER

200 528379

38

Exhibits A+B

ORIGINAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LEMUEL DEAN BROWN,

Plaintiff,

v

CITY OF DETROIT, COUNTY OF WAYNE,
ET AL,

Defendants.

JUDGE : O'Meara, John Corbett
DECK : S. Division Civil Deck
DATE : 07/13/2005 @ 15:46:36
CASE NUMBER : 5:05CV60162
REM LEMUEL BROWN VS, WAYNE
COUNTY, ET AL (JMC)

MAGISTRATE JUDGE MORGAN

LEMUEL DEAN BROWN
PLAINTIFF, IN PRO PER
(P-00999)
17601 Mound Road
Detroit, MI 48212

MARY ROSE MACMILLAN
Wayne County Deputy Corporation Counsel
ONNIE BARNES JACQUE(P56003)
Assistant Corporation Counsel
Attorneys for Defendant Wayne County
600 Randolph, Suite 253
Detroit, MI 48226
(313) 224-8174

NOTICE OF FILING OF PETITION FOR REMOVAL

PETITION FOR REMOVAL OF CIVIL ACTION

AFFIDAVIT

PROOF OF SERVICE

SUMMONS AND COMPLAINT

ORIGINAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LEMUEL DEAN BROWN,

Plaintiff,

v

CITY OF DETROIT, COUNTY OF WAYNE,
ET AL. ,

Defendants.

JUDGE : O'Meara, John Corbett
DECK : S. Division Civil Deck
DATE : 07/13/2005 @ 15:46:36
CASE NUMBER : 5:05CV60162
REM LEMUEL BROWN VS, WAYNE
COUNTY, ET AL (JMC)

MAGISTRATE JUDGE MORGAN

LEMUEL DEAN BROWN
PLAINTIFF, IN PRO PER
(P-00999)

17601 Mound Road
Detroit, MI 48212

MARY ROSE MACMILLAN
Wayne County Deputy Corporation Counsel
ONNIE BARNES JACQUE (P56003)
Assistant Corporation Counsel
Attorneys for Defendant Wayne County
600 Randolph, Suite 253
Detroit, MI 48226
(313) 224-8174

NOTICE OF FILING OF PETITION FOR REMOVAL OF
LEMUEL DEAN BROWN V CITY OF DETROIT,
COUNTY OF WAYNE, ET AL

TO: LEMUEL DEAN BROWN
Plaintiff, In Pro Per
(P-00999)
17601 Mound Road
Detroit, MI 48212


PLEASE TAKE NOTICE that on July 13, 2005, Defendant Wayne County's Petition for Removal of the above-entitled action for the United States District Court for the Eastern District of Michigan, Southern Division.

You are advised that Wayne County, on filing their notice of removal in the Office of the Clerk of the United States District Court for the Eastern District of Michigan, Southern Division, also filed copies thereof with the Removal Clerk of the office of the Wayne County Clerk to effect removal pursuant to 28 U.S.C. § 1331, 1441, 1443 and 1446.

Respectfully submitted,

MARY ROSE MACMILLAN
Deputy Corporation Counsel County of Wayne

BY:


ONNIE BARNES JACQUIE (P56003)
Assistant Corporation Counsel
Attorneys for Wayne County
600 Randolph, Second Floor
Detroit, MI 48226
(313) 224-5030

DATED: July 13, 2005

ORIGINAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LEMUEL DEAN BROWN,

Plaintiff,

JUDGE : O'Meara, John Corbett
DECK : S. Division Civil Deck
DATE : 07/13/2005 @ 15:46:36
CASE NUMBER : 5:05CV60162
REM LEMUEL BROWN VS, WAYNE
COUNTY, ET AL (JMC)

v

CITY OF DETROIT, COUNTY OF WAYNE,
ET AL ,

Defendants.

MAGISTRATE JUDGE MORGAN /

LEMUEL DEAN BROWN
PLAINTIFF, IN PRO PER
(P-00999)
17601 Mound Road
Detroit, MI 48212

MARY ROSE MACMILLAN
Wayne County Deputy Corporation Counsel
ONNIE BARNES JACQUE(P56003)
Assistant Corporation Counsel
Attorneys for Defendant Wayne County
600 Randolph, Suite 253
Detroit, MI 48226
(313) 224-8174

PETITION FOR REMOVAL OF CIVIL ACTION

NOW COMES Defendants **COUNTY OF WAYNE** and all other named Wayne County Defendants through their attorneys, **MARY ROSE MACMILLAN** Wayne County Deputy Corporation Counsel, and **ONNIE BARNES JACQUE**, Assistant Corporation Counsel, petition this Court to remove this civil action pursuant to 28 U.S.C. § 1331, 1441, and 1446. In support of this petition counsels state:

1. Petitioners are defendants in the above-entitled action.
2. This above action was started was filed in the Circuit Court for the County of Wayne,

Michigan on May 3, 2005.

3. Respondent at that time filed a lawsuit against Wayne County and other Wayne County defendants alleging general claims of violation of the Michigan Freedom of Information Act, and alleged violations under the United States Constitutional or federal statutes.
4. The above action stems from the allegations that arose on or about November 5, 2003, in which plaintiff alleges that Defendants violated plaintiff's state rights by refusing to provide Plaintiff's mother and power of attorney, with copies of a search warrant and arrest file involving an incident which occurred in April 1987, because the records were destroyed.
5. The complaint against defendant/petitioner seeks money damages, among other things, alleged violations of plaintiff's rights under the Michigan Constitution under color of state law.
6. This petition is filed within thirty (30) days of service of plaintiff's complaint alleging United States Constitutional violations against Wayne County.
7. The plain language of 28 U.S.C. section 1446(b), and the decisional law interpreting it (*Tech Hills v Phoenix Life ins*, 5 F.3d 963 (6th Cir. 1993)), permit removal based on a federal claim that does not appear in the well-plead complaint.
8. Removal of this civil action of the court from Wayne County Circuit Court is proper as a matter of right and law, pursuant to 28 U.S.C. § 1331, 1441, 1443, and 1445. Copies of the Wayne County Circuit Court Complaint, and this Defendant's Answer to Plaintiff's Complaint are attached. (Exhibits "A" and "B").

Respectfully submitted,

BY:


ONNIE BARNES/JACQUE (P56003)

Assistant Corporation Counsel
For Wayne County Defendants
600 Randolph, Second Floor
Detroit, Michigan 48226
(313) 224-5030

DATED: July 13, 2005

ORIGINAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LEMUEL DEAN BROWN,

Plaintiff,

v

CITY OF DETROIT, COUNTY OF WAYNE,
ET AL,

Defendants.

JUDGE : O'Meara, John Corbett
DECK : S. Division Civil Deck
DATE : 07/13/2005 @ 15:46:36
CASE NUMBER : 5:05CV60162
REM LEMUEL BROWN VS, WAYNE
COUNTY, ET AL (JMC)

MAGISTRATE JUDGE MORGAN

LEMUEL DEAN BROWN
PLAINTIFF, IN PRO PER
(P-00999)
17601 Mound Road
Detroit, MI 48212

MARY ROSE MACMILLAN
Wayne County Deputy Corporation Counsel
ONNIE BARNES JACQUE (P56003)
Assistant Corporation Counsel
Attorneys for Wayne County Defendants
600 Randolph, Suite 253
Detroit, MI 48226
(313) 224-8174

AFFIDAVIT

STATE OF MICHIGAN)
) ss.
COUNTY OF WAYNE)

I, **ONNIE BARNES JACQUE**, being first duly sworn, depose and say that I am the attorney at law associated with the Corporation Counsel for the County of Wayne, and have charge of this case. I further depose and say that I have read the foregoing Notice of Removal and know the contents thereof, and that the same is true of my own knowledge, except as to those matters stated to be on information and belief, and as to those matters, I believe them to be true.

FURTHER, affiant saith not.


ONNIE BARNES JACQUE

Subscribed to and sworn before me
on July 13, 2005



Notary Public *Rhonda L. Ross*

County of Wayne, State of Michigan

My Commission Expires: 03-09-07

RHONDA L. ROSS
NOTARY PUBLIC WAYNE CO., MI
MY COMMISSION EXPIRES Mar 9, 2007

EXHIBIT A

05-513238 CZ

STATE OF MICHIGAN
THIRD CIRCUIT COURT

CASE NO.

SUMMONS AND
RETURN OF SERVICECOURT
ADDRESS: 2 WOODWARD AVENUE, DETROIT, MICHIGAN 48226COURT
TELEPHONE NO. (313) 224- 2451

THIS CASE ASSIGNED TO JUDGE: CYNTHIA DIANE STEPHENS

Bar Number: 28417

PLAINTIFF

DEFENDANT

BROWN LEMUEL DEAN #192709 PL 01 VS CITY OF DETROIT

DF 002

PLAINTIFF'S ATTORNEY

LEMUEL DEAN #192709 BROWN
(P-00999)
17601 MOUND RD
DETROIT, MI 48212

CASE FILING FEE		CITY FEE	
WAIVED		NO JURY DEMAND FILED	
ISSUED		DEPUTY COUNTY CLERK	
05/03/05	08/02/05	L DAVIS NAQUAY	

*This summons is invalid unless served on or before its expiration date.

Cathy M. Garrett - Wayne County Clerk

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
 2. YOU HAVE 21 DAYS after receiving this summons to file an answer with the court and serve a copy on the other party or to take other lawful action (28 days if you were served by mail or you were served outside this state).
 3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
- ☐ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☒ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in Wayne County Circuit Court Court.
- ☐ There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.
- ☐ An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in _____ Court.

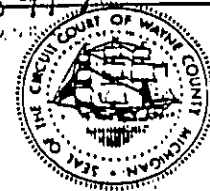
The docket number and assigned judge of the civil/domestic relations action are:

Docket no.	Judge	Bar no.
94430800	CYNTHIA D. STEPHENS	28417
The action <input type="checkbox"/> remains <input type="checkbox"/> is no longer pending.		

I declare that the complaint information above and attached is true to the best of my information, knowledge, and belief.

5/10/05
Date

Signature of attorney/plaintiff



COMPLAINT IS STATED ON ATTACHED PAGES. EXHIBITS ARE ATTACHED IF REQUIRED BY COURT RULE.

If you require special accommodations to use the court because of disabilities, please contact the court immediately to make arrangement.

For best results use a felt pen

RETURN OF SERVICE

Case No. 05-313238-CZ

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NON-SERVICE☒ **OFFICER CERTIFICATE**

OR

☐ **AFFIDAVIT OF PROCESS SERVER**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party [MCR 2.104(A)(2)], and that: (notary not required)

Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notary required)

☒ served personally a copy of the summons and complaint.

☒ served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint.

Together with Summons and Complaint, I have served the following documents: Subpoena

For all documents served with the Summons and Complaint

There is no other hearing or proceeding within the jurisdiction of the court involving the party or parties named in the summons and complaint.

I have not been informed of any other hearing or proceeding within the jurisdiction of the court involving the party or parties named in the summons and complaint.

I have not been informed of any other hearing or proceeding within the jurisdiction of the court involving the party or parties named in the summons and complaint.

I have not been informed of any other hearing or proceeding within the jurisdiction of the court involving the party or parties named in the summons and complaint.

I have not been informed of any other hearing or proceeding within the jurisdiction of the court involving the party or parties named in the summons and complaint.

I have not been informed of any other hearing or proceeding within the jurisdiction of the court involving the party or parties named in the summons and complaint.

I have not been informed of any other hearing or proceeding within the jurisdiction of the court involving the party or parties named in the summons and complaint.

I have not been informed of any other hearing or proceeding within the jurisdiction of the court involving the party or parties named in the summons and complaint.

I have not been informed of any other hearing or proceeding within the jurisdiction of the court involving the party or parties named in the summons and complaint.

I have not been informed of any other hearing or proceeding within the jurisdiction of the court involving the party or parties named in the summons and complaint.

I have not been informed of any other hearing or proceeding within the jurisdiction of the court involving the party or parties named in the summons and complaint.

I have not been informed of any other hearing or proceeding within the jurisdiction of the court involving the party or parties named in the summons and complaint.

I have not been informed of any other hearing or proceeding within the jurisdiction of the court involving the party or parties named in the summons and complaint.

I have not been informed of any other hearing or proceeding within the jurisdiction of the court involving the party or parties named in the summons and complaint.

I have not been informed of any other hearing or proceeding within the jurisdiction of the court involving the party or parties named in the summons and complaint.

I have not been informed of any other hearing or proceeding within the jurisdiction of the court involving the party or parties named in the summons and complaint.

I have not been informed of any other hearing or proceeding within the jurisdiction of the court involving the party or parties named in the summons and complaint.

I have not been informed of any other hearing or proceeding within the jurisdiction of the court involving the party or parties named in the summons and complaint.

I have not been informed of any other hearing or proceeding within the jurisdiction of the court involving the party or parties named in the summons and complaint.

I have not been informed of any other hearing or proceeding within the jurisdiction of the court involving the party or parties named in the summons and complaint.

I have not been informed of any other hearing or proceeding within the jurisdiction of the court involving the party or parties named in the summons and complaint.

I have not been informed of any other hearing or proceeding within the jurisdiction of the court involving the party or parties named in the summons and complaint.

I have not been informed of any other hearing or proceeding within the jurisdiction of the court involving the party or parties named in the summons and complaint.

I have not been informed of any other hearing or proceeding within the jurisdiction of the court involving the party or parties named in the summons and complaint.

I have not been informed of any other hearing or proceeding within the jurisdiction of the court involving the party or parties named in the summons and complaint.

I have not been informed of any other hearing or proceeding within the jurisdiction of the court involving the party or parties named in the summons and complaint.

I have not been informed of any other hearing or proceeding within the jurisdiction of the court involving the party or parties named in the summons and complaint.

I have not been informed of any other hearing or proceeding within the jurisdiction of the court involving the party or parties named in the summons and complaint.

I have not been informed of any other hearing or proceeding within the jurisdiction of the court involving the party or parties named in the summons and complaint.

I have not been informed of any other hearing or proceeding within the jurisdiction of the court involving the party or parties named in the summons and complaint.

I have not been informed of any other hearing or proceeding within the jurisdiction of the court involving the party or parties named in the summons and complaint.

I have not been informed of any other hearing or proceeding within the jurisdiction of the court involving the party or parties named in the summons and complaint.

I have not been informed of any other hearing or proceeding within the jurisdiction of the court involving the party or parties named in the summons and complaint.

I have not been informed of any other hearing or proceeding within the jurisdiction of the court involving the party or parties named in the summons and complaint.

I have not been informed of any other hearing or proceeding within the jurisdiction of the court involving the party or parties named in the summons and complaint.

I have not been informed of any other hearing or proceeding within the jurisdiction of the court involving the party or parties named in the summons and complaint.

I have not been informed of any other hearing or proceeding within the jurisdiction of the court involving the party or parties named in the summons and complaint.

I have not been informed of any other hearing or proceeding within the jurisdiction of the court involving the party or parties named in the summons and complaint.

DEKTOIL MI 48515

I have personally attempted to serve the summons and complaint, together with

(E-00000)

RENDER DEEM ITASAOA WICOM

on

Name

at WICOM

Address

and have been unable to complete service because

On the address was incorrect at the time of filing: or as City of Detroit

DE 005

Service fee	Miles traveled	Mileage fee	Total fee
\$		\$	\$

Signature

DEKTOIL

Title

I, Subscribed and sworn to before me on 07/13/05

Date

By: Notary Public, Michigan

My commission expires:

Signature:

Deputy court clerk/Notary public PHONE NO: (313) 534-5421

000001

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons and complaint, together with

Attachments

on 07/13/05

Day, date, time

on behalf of

Signature

02-213538 CZ

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

LEMUEL DEAN BROWN, and His Mother as (Intervenor),

Plaintiff,

Vs.

File No. 05- 513238 -CZ

CITY OF DETROIT, et al.,

Hon. CYNTHIA D. STEPHEN

Defendant. _____/

STATE OF MICHIGAN)

PROOF OF SERVICE

) SS:

COUNTY OF WAYNE)

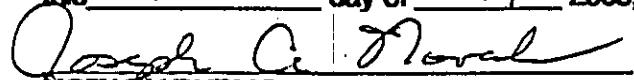
The undersigned states that on May 12, 2005, he served upon the court Six Summons and Complaints to be served upon John D. O'Hair, Michael Duggan, Kym Worthy, Michael King, Sgt. Dennis Richardson, and Sgt. Hilton Napoleon. et al., To be served by Officer Certificate Service in pursuant to MCR 2.104 (A)(2). by placing a copy of these documents in a sealed envelope with first-class postage.

I declare that the statements above are true to the best of my information, knowledge, and belief.

Is/ 
LEMUEL D. BROWN,

Subscribed and Sworn to before me

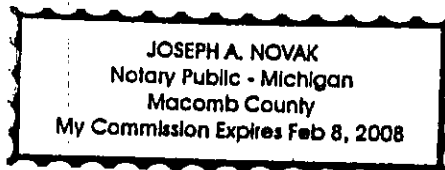
this 10th day of MAY 2005,


NOTARY PUBLIC

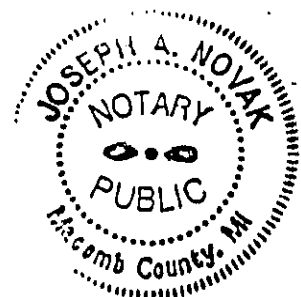
Dated: 2005.

LDB/file

cc:



ACTING IN WAYNE COUNTY



STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

LEMUEL DEAN BROWN, and His Mother as (Intervenor),

Plaintiff,

Vs.

CITY OF DETROIT, etc.,

Defendant.

05-513238 CZ 5/03/2005
JDG: CYNTHIA DIANE STEPHENS
BROWN LEMUEL DEAN #192709
VS
CITY OF DETROIT

COMPLAINT

Plaintiff says:

1. Plaintiff is now, and at all times relevant to this complaint has been, a State prisoner in the custody of the Michigan department of Corrections and confined at Mound Correctional Facility 17601 Mound Road Detroit, Michigan 48212 (hereafter "Detroit").

2. Plaintiff mother Ms. A. L. Brown, has power of attorney over plaintiff's legal affairs and is **Therefore**, acting as Intervenor in this case for the requestment of the document's under the Michigan Freedom of Information Act. to which she is a public citizen of the State of Michigan. and invoked her jurisdiction under (FIOA), for said documents. For the search warrant that was issued on plaintiff's home on April 19, 1987, Her request for these documents was filed on November 5, 2003. under MCL 15.231(5) MSA 4.1801(10).

3. Defendant John D. O'Hair, (P18432) was the chief prosecutor at the time plaintiff was arrested on April 19, 1987, constitutes and the responsible authority of the issuing of the search warrant under its reliable and/or probable cause, and the denial of plaintiff's post conviction relief. etc.,

4. Defendant Michael Duggan, (P35893), was chief prosecutor at a time when plaintiff made

several requests for said (search warrant) that was issued on April 19, 1987, to which he made no effort to issue plaintiff a copy of said documents as was requested for plaintiff to pursue his Post Conviction Relief. etc.,

5. Defendant Kym L. Worthy, (P38875), is the chief prosecutor at the time of these procedure being file and constitutes the responsible authority of seeing that a convicted prisoner received a proper exculpatory evidence so that they may prosue post conviction relief.

6. Defendant Sgt. Dennis Richardson, was one of the main officer's in charge of the case and was part of the illegal search and arrest team that enter plaintiff home illegal and should have first hand knowledge as to where there should be a copy of that search warrant that was used on April 19, 1987.

7. Defendant Sgt. Hilton Napoleon, was one of the other main officer's in charge of the case and was part of the illegal search and arrest team that enter plaintiff home illegal and should have first hand knowledge also as to where there should be a copy of that search warrant that was used on April 19, 1987.

JURISDICTION

8. Jurisdiction is invoked pursuant to MCL 15. 231(5) MSA 4.1801(10). of the Michigan Freedom of Information Act.

SUBSTANTIVE CLAIMS

9. On November 5, 2003, Plaintiff mother made a written request for records, including that she would like a copy of the search warrant w/ affidavit that was issued on April 19, 1987. from the Defendant.

10. Plaintiff's mother who is intervenor as will as power of attorney request asked for a copy of the Search Warrant w/Affidavit of plaintiff files, (A copy of said request hereto annexed to this complaint as exhibit A).

11. On November 12, 2003, Plaintiff mother received an respond back from Wayne County Prosecuting Office. Stating: That the Plaintiff's file has been (destroy). A copy the Response is hereto annexed to this complaint B).

12. On May 13, 2004, Plaintiff sent a letter to the Attorney Grievance Commission, For an investigation concerning the fact's surrounding the destroying of his case files. (A copy of Plaintiff's letter is hereto annexed to this complaint as exhibit C).

13. Plaintiff received a response to his letter on May 26, 2004, from the Grievance Commission, alleging that the prosecutor Herbert E. Roberts, is deceased. Accordingly, this file is being closed. (A copy of this letter is hereto annexed to this complaint as D).

14. Plaintiff contend that if every case that was every try was destroy under the fact that the prosecutor's that try the case be came decease. The world will reach maximum over load of prisoner's being incarcerated with no rights for post conviction relief and this will collapse any rights to Post Appeal Relief on both State and Federal level.

15. Defendant's delay in forwarding the file to Plaintiff is arbitrary and capricious to the Michigan Freedom of Information Act § 10(5) which provides pertinent part:

" [I]f the Circuit Court finds that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosure or providing copies of a public record....."

16. That pursuant to the act cited above, it is clear that the Defendants have already acted in an arbitrary and capricious manner just by the acts of delaying in the providing of copies to the Plaintiff. Not to even consider the fact that the Wayne County Prosecutor Office on November 12, 2003, have already admitted that they destroy Plaintiff hold file. and deny him exculpatory evidence as sight in Bray v. State of Maryland, 83 S.Ct. 1194 (1963). Plaintiff cannot move forth on post appeal relief. with out being able to show that the search warrant was a fraudulent document used to make an fraudulent arrest by an none support witness. who was none other than codefendant Frank Barnes, **Therefore**, the prosecuting attorney has no rights to issuing an search warrant at Plaintiff home. If codefendant Frank Barnes was not going to be cross examined at preliminary examination or at trial. The U. S. Const, Am VI, Give all individual their rights to confront there accuser's. Although, a good Sixth Amendment claim can be presented here as to trial counselor ineffective assistance of counsel for failing to a tact codefendant Frank Barnes, issuing of the search warrant w/ affidavit attached to. Still will not rule out the fact that the claim existed and The Court is only left with two choice, (1) either make the prosecutor

hand over a copy of the Search Warrant w/Affidavit , that will show codefendant Frank Barnes issued it, but never testify to it's nature or (2) That no Search Warrant ever existed. To which other claim makes Plaintiff search and seizure illegal. Denial of Plaintiff confrontational clause, and his equal protection of the law. U. S. Const., Am XIV.

RELIEF REQUESTED

WHEREFORE, Plaintiff respectfully request that this Honorable Court **GRANT** the following relief:

1. **ORDER** Defendant to provide the requested information to Plaintiff;
2. **AWARD** Plaintiff compensatory damages in the amount of 18.5 Million Dollars for depriving Plaintiff of his eighteen and half years rights of prevailing on post conviction relief. by destroying all of Plaintiff Criminal file so he could not prevail on post conviction relief. etc.,
3. **AWARD** Plaintiff punitive damages in the amount of Five Hundred Dollars for Defendant arbitrary and capricious delay of the requested information;
4. **AWARD** Plaintiff all actual fees, interests and costs of initiating and maintaining this action; and
5. **AWARD** Plaintiff such other and further relief as this Honorable Court deems just and equitable in the premises.

Respectfully submitted,


LEMUEL DEAN BROWN, In Propria Persona
17601 Mound Road
Detroit, Michigan 48212

Dated: 4-7-05 2005.

LDB/file

cc:

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

LEMUEL DEAN BROWN, and His Mother as (Intervener),

Plaintiff,

Vs.

CITY OF DETROIT, etc.,

Defendant.

05-513238 CZ 5/03/2005
JDG: CYNTHIA DIANE STEPHENS
BROWN LEMUEL DEAN #192709
VS
CITY OF DETROIT

STATE OF MICHIGAN)

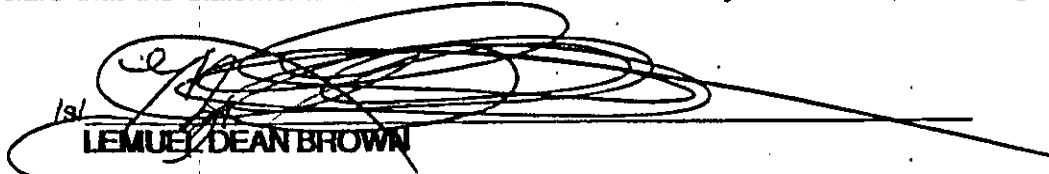
) ss:

AFFIDAVIT OF SERVICE

COUNTY OF WAYNE)

Lemuel Dean Brown states that on the _____ day of _____, 2005, he mailed a Subpoena and Complaint by mail to the Defendant's, John D. O'Hair, Michael Duggan, Kyn Worthy, Michael Kng, Sgt. Dennis Richardson and Sgt. Hilton Napoleon. etc., Mound Correctional Facility, 17601 Mound Road, Detroit, Michigan 48212, with postage fully prepaid thereon, that shows the date of delivery to be the _____ day of _____, 2005.

I declare that the statements above are true to the best my information, knowledge, and belief.


/s/ **LEMUEL DEAN BROWN**

Dated: 4-7-05 2005.

Ms. A. L. Brown
13630 Penbroke St.
Detroit, Michigan 48235

Prosecutor Attorney Office
Mr. Herbert Roberts
421 Madison
Detroit, Michigan 48226

November 5, 2003

RE: People v. Brown, L.C.No:87-4156
Hon: Roland L. Olzark

Dear Wayne Prosecutor, Herbert Roberts,

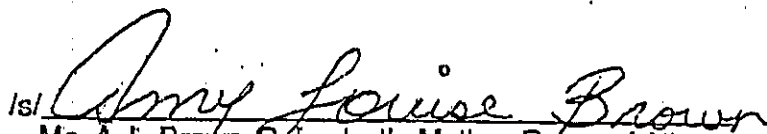
I am Any L. Brown, defendant's mother and/or Power of Attorney all defendant affair's at the moment.

I hereby make this request under **MCL 15.231(5) MSA 4.1801(10)**, for copies of "People's Proposed Exhibit No. 2." **Search Warrant** w/Affidavit in support of. Dated April 19, 1987, and it was presented at Preliminary Examination on April 26, 1987, on cross examine by Herbert Roberts. (PE. 78.).

WHEREFORE, I request a copy of the search warrant and affidavit, under the statue of the (F.O.I) act. etc.,

Please forward me a bill for costs of copy of said above search warrant etc.,

RESPECTFULLY SUBMITTED,

Is/ 
Ms. A. L. Brown, Defendant's Mother, Power of Attorney
13630 Penbroke St.
Detroit, Michigan 48235

Dated:11/5/03

CC:File/ALB

{Exhibit-A}

192709



① 2-6-04

Michael E. Duggan
Prosecuting Attorney

County of Wayne
OFFICE OF THE PROSECUTING ATTORNEY
DETROIT, MICHIGAN

1200 Frank Murphy Hall of Justice
1441 St. Antoine Street
Detroit, Michigan 48226-2302

Tel: (313) 224-5777
Fax: (313) 224-0274

Samuel C. Gardner
Chief Assistant

November 12, 2003

Ms. Any L. Brown
13630 Penbroke Street
Detroit, MI 48235


Re: *People v P v Brown*, 87-4156
Freedom of Information Act Request of November 5, 2003
CERTIFICATE OF NON-EXISTENCE OF RECORDS

Dear Ms. Brown:

On November 12, 2003, I received your request under the Michigan Freedom of Information Act dated November 5, 2003. Unfortunately we must deny your current request, since we do not have the records that you are requesting; it appears that the file you requested has long since been destroyed in a routine purge of files, or we have no existing case file under the name and number you have requested.

As a suggestion to help you locate the materials you are seeking, you might contact the courts or police agencies involved in this matter, to determine if they have retained the documents you are seeking. They may have a different policy concerning the retention of old or inactive files.

Sincerely,


Karen M. Woodside
Assistant Prosecuting Attorney
Appeals, FOIA Officer

c: Gary Burtka, CEO Office
File

NOTICE OF REMEDIES

192709

(2) 2-6-04

If dissatisfied with the resolution of your request, you have the right to do either of the following:

- (1) Submit a written appeal to the County Executive, which specifically states the word "appeal" and states the reason or reasons the denial should be reversed.

OR

- (2) Commence an action in the circuit court to compel disclosure. Should you prevail, you will be entitled to have reasonable attorneys' fees, costs and disbursements assessed against the County by the court. If you or the County prevails in part, the court may, in its discretion, award you all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. If the court determines that the County has been arbitrary and capricious in its denial, you will also be entitled to punitive damages in the amount of \$500.00.

STATE OF MICHIGAN ATTORNEY GRIEVANCE COMMISSION

REQUEST FOR INVESTIGATION

TO THE ATTORNEY GRIEVANCE COMMISSION:

I, Lemuel Dean Brown
(Type or print full name of person making complaint)

(Address) 17601 Mound Road
Detroit, Michigan 48212

(Telephone) _____

do hereby complain of the conduct of the following member of the State Bar of Michigan:

Mr. Hebert Roberts,
(Lawyer's Name)

421 Madison
(Address—street and number)

Detroit MICHIGAN 48226
(Address—city, town) (zip code)

(Area code) (Telephone number)

Said attorney has committed acts of professional misconduct as set forth in the Statement below, and I hereby request that an investigation into my allegations be conducted by the Attorney Grievance Commission.

Date: May 10, 2004 _____
(Signature)

1. Have you previously made a complaint to this office against this attorney? N/A

2. Date you retained lawyer _____

3. Type of case (e.g. divorce, criminal, probate, real estate, etc.) _____

Name of Court Circuit Court For Wayne Case No. 87-4156

4. Have you reported the lawyer's conduct to any other agency? (e.g. Attorney General, Prosecuting Attorney, etc.) N/A If so, name of agency _____

5. Have you sued your lawyer or has he sued you resulting from his representation the matter of which you complained? N/A If so, give name of court and docket number _____

FAILURE TO COMPLETE THIS FORM IN ACCORDANCE WITH THE INSTRUCTIONS LISTED ABOVE, MAY RESULT IN DELAYS IN THE PROCESSING OF YOUR COMPLAINT.

INSTRUCTIONS

- Please type or print all information except your signature.
- Under "Statement," state all circumstances as to the conduct of the attorney, in chronological order. Attach additional sheets if necessary.
- Specify exactly what the attorney did which you believe to have been misconduct.
- Make sure to sign your name in the space provided.
- Please return original and copy and all attachments to:

Attorney Grievance Commission
Suite 256
Marquette Bldg.
243 W. Congress
Detroit, MI. 48226

STATEMENT

Mr. L. D. Brown.
MOUND CORRECTIONAL FACILITY
17601 Mound Road
Detroit, Michigan 48212

To: Mr. Herbert Roberts, Prosecutor Office
421 Madison
Detroit, Michigan 48226

RE: FOR INVESTIGATION
People v. Brown, L. C. No. 87-4156

STATEMENT

I, Lemuel Dean Brown, makes this request for an full investigation into the prosecuting attorney Professional Misconduct. under rules 3.4(a)(e), 3.6(3)(4)(5)(6), 3.8(a)(b)(d), 4.1, 8.4(b), 8.5, etc.,

This request for investigation is listed as urgent. whereas, it would show that the prosecuting attorney committed fraud, and dishonesty upon this court. 17 year's go, where he fabricated an search warrant from defendant so called alleged codefendant on April 19, 19987. yet, codefendant never took the stand to give testimony to the prosecutor case. therefore, Defendant never had the chance to confront his codefendant and/or all witnesses against him. and the unreasonable search and seizure that suppose to be supported under oath or affirmation. And the 13 day's defendant was held illegal without probable cause, which show unlawful detention and defamation of character. codefendant compelled the prosecutor case. yet, he never give testify to the enactment.

Now after 17 year's of incarceration, the prosecutor is still trying to conceal the document's and his fraudulent act's, to cover up the facts that he did not have an reliable for at least 13 day's.

Defendant through his power of attorney, (Mother), November 5, 2003, Under (F.O.I.) MCI 15.231(5) MSA 4.1801 (10), requested copies of People's Proposed Exhibit No.2 The search warrant, w/Affidavit in support thereof. To which the prosecuting attorney used on April 26, 1987, for cross examine of another witness. Which was done illegally, considering codefendant never give testimony. This request was deny on November 12, 2003, stating "we do not have the records you'll requested, the file you requested has been destroy." See. Exhibit (A). attached hereto. This further, show that the prosecuting attorney office is still trying to conceal the search warrant on April 19, 1987, to cover up the illegal arrest of defendant. etc.,

E.O.I. 10(5), which provides pertinent parts:

If the Circuit Court finds that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosure or providing copies of a public record....

That In pursuant to that act cited above, it is clear that the prosecuting office has already


acted in an arbitrary and capricious manner just by the act of delaying in providing of copies to the defendant's. Prosecuting delay, denial and ignorance to the destruction of defendant's records is arbitrary and capriciously in violation of defendant being able to pursue his post-conviction relief proceeding. etc., **WHEREFORE**, the prosecuting is in violation of 8.4(b), by using defendant, codefendant search warrant, w/affidavit at trial without codefendant ever testifying and or now committing fraudulent concealment testimony. etc.,

RELIEF REQUESTED

WHEREFORE, Defendant respectfully requests this Board of Commissioner's to fully investigate the above matter's. under the authority sighted in rule 16. **"UNAUTHORIZED PRACTICE OF THE LAW."** and grant the defendant any and all relief this commission seek proper an just.

And immediately have said prosecuting attorney, provide defendant with said copies of the said search warrant, w/affidavit in support thereof. that was dated April 19, 1987. And any other document's the prosecuting attorney may be conceal from defendant being able to seek his post conviction relief. etc.,

Respectfully submitted,


/s/ LEMUEL D. BROWN, Pro. se.
17601 Mound Road
Detroit, Michigan 48212

Dated: 5/10/04 2004.

LDB/file

cc:

CARL E. VER BEEK
CHAIRPERSON
ANDREA L. SOLAK
VICE-CHAIRPERSON
JANE SHALLAL
SECRETARY

MEMBERS:

BARBARA B. GATTORN
KENDALL B. WILLIAMS
KAREN QUINLAN VALVO
RICHARD B. POLING, JR.
RUSSELL E. MOHNEY, M.D.
NOELLE A. CLARK



ATTORNEY GRIEVANCE COMMISSION

MARQUETTE BUILDING
243 W. CONGRESS, SUITE 256
DETROIT, MICHIGAN 48226-3259
TELEPHONE (313) 961-6585
FAX (313) 961-5819
WWW.AGCML.COM

ROBERT L. AGACINSKI
GRIEVANCE ADMINISTRATOR
ROBERT E. EDICK
DEPUTY ADMINISTRATOR
CYNTHIA C. BULLINGTON
ASSISTANT DEPUTY ADMINISTRATOR

ASSOCIATE COUNSEL
WENDY A. NEELEY
RUTHANN STEVENS
STEPHEN P. VELLA
PATRICK K. McGLINN
FRANCES A. ROSINSKI
EMILY A. DOWNEY
H. LLOYD NEARING
KIMBERLY L. UHURU
NANCY R. ALBERTS
DINA P. DAJANI
RHONDA SPENCER POZEHL

May 26, 2004

PERSONAL AND CONFIDENTIAL

Lemuel D. Brown #192709
Mound Correctional Facility
17601 Mound Road
Detroit, MI 48212

RE: Lemuel D. Brown as to Herbert E. Roberts
AGC File No. 1235/04

Dear Mr. Roberts:

This office received your Request for Investigation on May 13, 2004. The allegations in your complaint are insufficient to warrant further proceedings by the Commission. Accordingly, this file is being closed.

We are unable to investigate alleged misconduct occurring seventeen years ago. In addition Mr. Roberts is deceased.

Mr. Roberts has been provided with a copy of your complaint.

If my staff or I can be of service to you in the future, please do not hesitate to contact us again.

Very truly yours,

Nancy R. Alberts
Associate Counsel

NRA/lh
cc: Herbert E. Roberts
w/enclosure

Exhibit (D)

EXHIBIT B

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LEMUEL DEAN BROWN,

Plaintiff,

USDC NO. _____

v

CASE NO. 05-513238 CZ
HON. CYNTHIA STEPHENS

CITY OF DETROIT, COUNTY OF WAYNE,
ET AL,

Defendants.

LEMUEL DEAN BROWN
PLAINTIFF, IN PRO PER
(P-00999)
17601 Mound Road
Detroit, MI 48212

MARY ROSE MACMILLAN
Wayne County Deputy Corporation Counsel
ONNIE BARNES JACQUE(P56003)
Assistant Corporation Counsel
Attorneys for Defendant Wayne County
600 Randolph, Suite 253
Detroit, MI 48226
(313) 224-8174

**DEFENDANTS COUNTY OF WAYNE AND OTHER NAMED WAYNE
COUNTY DEFENDANTS'**

ANSWER TO PLAINTIFF'S COMPLAINT

AFFIRMATIVE DEFENSES

JURY DEMAND

PROOF OF SERVICE

NOTICE OF APPEARANCE

NOW COMES Defendants, County of Wayne and other named Wayne County Defendants, (hereafter, "Wayne County" "Wayne County Defendants"), by and through their attorneys, MARY ROSE MACMILLAN, Deputy Corporation Counsel for the Wayne County, and

ONNIE BARNES JACQUE, Assistant Corporation Counsel, for their Answer to Plaintiff's Complaint state as follows:

1. Wayne County Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations.
2. Wayne County Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations.
3. Defendants admit that John D. O'Hair, is not currently, however, during the times alleged in Plaintiff's Complaint, was the Prosecuting Attorney for the County of Wayne, State of Michigan. Defendants deny the remaining allegations in this paragraph.
4. Defendants admit that Michael E. Duggan is not currently, however, during the times alleged in Plaintiff's Complaint, was the Prosecuting Attorney for the County of Wayne, State of Michigan. Defendants deny the remaining allegations in this paragraph.
5. Defendants admit that Kym Worthy is currently the Prosecuting Attorney for the County of Wayne, State of Michigan. Defendants deny the remaining allegations in this paragraph.
6. Wayne County Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations.
7. Wayne County Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations.

JURISDICTION

8. Defendants neither admit nor deny the allegations contained in paragraph 8 .

Further, no response is required to these allegations.

SUBSTANTIVE CLAIMS

9. Defendants neither admit nor deny the allegations contained in paragraph 9.

Further, no response is required to these allegations.

10. Defendants neither admit nor deny the allegations contained in paragraph 9 .

Further, no response is required to these allegations.

11. Defendants neither admit nor deny the allegations contained in paragraph 9 .

Further, no response is required to these allegations.

12. Defendants neither admit nor deny the allegations contained in paragraph 9 .

Further, no response is required to these allegations.

13. Defendants neither admit nor deny the allegations contained in paragraph 9 .

Further, no response is required to these allegations.

14. Defendants neither admit nor deny the allegations contained in paragraph 9 .

Further, no response is required to these allegations.

15. The allegations in this paragraph are denied.

16. The allegations in this paragraph are denied.

WHEREFORE, Defendants pray that this claim be dismissed with prejudice and without cost and that Defendant Wayne County be granted its costs together with reasonable attorney fees.

Respectfully submitted,

BY:



ONNIE BARNES JACQUE (P56003)
Assistant Corporation Counsel
For the Wayne County Defendants
600 Randolph, Second Floor
Detroit, Michigan 48226
(313) 224-5030

DATED: July 13, 2005

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LEMUEL DEAN BROWN,

Plaintiff,

USDC NO. _____

v

CASE NO. 05-513238 CZ
HON. CYNTHIA STEPHENS

CITY OF DETROIT, COUNTY OF WAYNE,
ET AL,

Defendants.

LEMUEL DEAN BROWN
PLAINTIFF, IN PRO PER
(P-00999)
17601 Mound Road
Detroit, MI 48212

MARY ROSE MACMILLAN
Wayne County Deputy Corporation Counsel
ONNIE BARNES JACQUE(P56003)
Assistant Corporation Counsel
Attorneys for Defendant Wayne County
600 Randolph, Suite 253
Detroit, MI 48226
(313) 224-8174

DEFENDANTS COUNTY OF WAYNE AND OTHER NAMED WAYNE

COUNTY DEFENDANTS' AFFIRMATIVE DEFENSES

NOW COMES Defendants, County of Wayne and other named Wayne County Defendants, (hereafter, "Wayne County" "Wayne County Defendants"), by and through their attorneys, MARY ROSE MACMILLAN, Deputy Corporation Counsel for the Wayne County, and ONNIE BARNES JACQUE, Assistant Corporation Counsel, for their Affirmative Defenses assert the following:

1. Plaintiff has failed to state a claim for which relief may be granted.
2. Plaintiff was totally at fault for the injuries and damages alleged.

3. Plaintiff lacks standing.
4. The alleged injuries and damages were caused by person(s) or entities other than the Wayne County Defendants.
5. Plaintiff's claims are time barred, in that the applicable statute of limitations has been exhausted.
6. Plaintiffs' claims are barred by governmental immunity under MCL 691.1401 et seq and under Michigan's decisional law.
7. As to the individual Defendant, Plaintiff's claims are barred by the doctrine of individual immunity granted the individual Defendant pursuant to MCL 691-1407(2)
8. Should it be established that Plaintiff's injuries and/or damages were not due to the sole acts of misconduct and/or negligence, Wayne County demands that any judgment or award Plaintiff may receive be reduced in accordance with the Michigan doctrine of comparative negligence.
9. That any and all injuries and/or damages claimed by the Plaintiff, if any, are not demonstrably whatsoever related to, connected with, caused by or a consequence of any action or want of action on the part of the Wayne County Defendants, or by any other person for whose activities or want of activities the Wayne County Defendants would, in any event, be legally responsible for in any manner whatsoever.
10. That any and all damages sustained by Plaintiff were proximately caused by independent, intervening, and superseding acts and/or omissions unrelated to the Wayne County Defendants.
11. That Plaintiff has failed to mitigate her damages as is required by law.

12. That Plaintiff's Complaint fails to state a cause of action against the Wayne County Defendants upon which relief can be granted.
13. Defendants are immune by operation of the doctrine of governmental immunity. Defendants reserve the right to assert to any duty which they would delegate by reason of contractual agreements with other parties.
14. Co-Defendants or others are partially or wholly liable for Plaintiff's damages.
15. Defendants reserves the right to amend its Affirmative Defenses in conformity with the proofs discovered in the course of trial preparation.


RESERVATION OF RIGHTS

Wayne County Defendants reserve the right to add, delete, or modify any affirmative defenses as additional information becomes available.

WHEREFORE, Wayne County Defendants respectfully request this Honorable Court to dismiss plaintiff's Complaint with prejudice and award court costs and attorney fees so wrongfully incurred.

Respectfully submitted,

MARY ROSE MACMILLAN
Wayne County Deputy Corporation Counsel

BY: 
ONNIE BARNES JACQUE (P56003)
Assistant Corporation Counsel
Attorneys for the Wayne County Defendants
600 Randolph, Suite 253
Detroit, MI 48226
(313) 224-8174

Dated: July 13, 2005

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LEMUEL DEAN BROWN,

Plaintiff,

USDC NO. _____

v

CASE NO. 05-513238 CZ
HON. CYNTHIA STEPHENS

CITY OF DETROIT, COUNTY OF WAYNE,
ET AL,

Defendants.

LEMUEL DEAN BROWN
PLAINTIFF, IN PRO PER
(P-00999)
17601 Mound Road
Detroit, MI 48212

MARY ROSE MACMILLAN
Wayne County Deputy Corporation Counsel
ONNIE BARNES JACQUE(P56003)
Assistant Corporation Counsel
Attorneys for Defendant Wayne County
600 Randolph, Suite 253
Detroit, MI 48226
(313) 224-8174

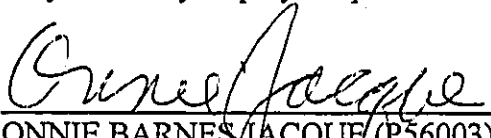
JURY DEMAND

Defendants demand a trial by jury on all issues so triable.

Respectfully submitted,

MARY ROSE MACMILLAN
Wayne County Deputy Corporation Counsel

BY:


ONNIE BARNES JACQUE (P56003)
Assistant Corporation Counsel
Attorneys for the Wayne County Defendants
600 Randolph, Suite 253
Detroit, MI 48226
(313) 224-8174

Dated: July 13, 2005

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LEMUEL DEAN BROWN,
Plaintiff,

USDC NO. _____

v

CASE NO. 05-513238 CZ
HON. CYNTHIA STEPHENS

CITY OF DETROIT, COUNTY OF WAYNE,
ET AL,

Defendants.

LEMUEL DEAN BROWN
PLAINTIFF, IN PRO PER
(P-00999)
17601 Mound Road
Detroit, MI 48212

MARY ROSE MACMILLAN
Wayne County Deputy Corporation Counsel
ONNIE BARNES JACQUE(P56003)
Assistant Corporation Counsel
Attorneys for Defendant Wayne County
600 Randolph, Suite 253
Detroit, MI 48226
(313) 224-8174


APPEARANCE AND NOTICE OF APPEARANCE

TO: Clerk of the Court and Lemuel Dean Brown:

PLEASE TAKE NOTICE that MARY ROSE MACMILLAN, Wayne County Deputy Corporation Counsel, and ONNIE BARNES JACQUE, Assistant Corporation Counsel, hereby enter an Appearance in the above-captioned matter.

Please forward copies of all correspondence and court filings to Onnie Barnes Jacque at the address identified below.

Respectfully submitted,

BY: MARY ROSE MACMILLAN
Wayne County Deputy Corporation Counsel

ONNIE BARNES JACQUE (P56003)
Assistant Corporation Counsel
Attorneys for the Wayne County Defendants
600 Randolph, Suite 253
Detroit, MI 48226
(313) 224-5030

Dated: July 13, 2005

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LEMUEL DEAN BROWN,

Plaintiff,

v

CITY OF DETROIT, COUNTY OF WAYNE,
ET AL,

Defendants.

JUDGE : O'Meara, John Corbett
DECK : S. Division Civil Deck
DATE : 07/13/2005 @ 15:46:36
CASE NUMBER : 5:05CV60162
REM LEMUEL BROWN VS, WAYNE
COUNTY, ET AL (JMC)

MAGISTRATE JUDGE MORGAN

LEMUEL DEAN BROWN
PLAINTIFF, IN PRO PER
(P-00999)
17601 Mound Road
Detroit, MI 48212

MARY ROSE MACMILLAN
Wayne County Deputy Corporation Counsel
ONNIE BARNES JACQUE(P56003)
Assistant Corporation Counsel
Attorneys for Defendant Wayne County
600 Randolph, Suite 253
Detroit, MI 48226
(313) 224-8174

PROOF OF SERVICE

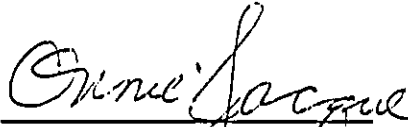
STATE OF MICHIGAN)
) ss.
COUNTY OF WAYNE)

The undersigned, being first duly sworn, deposes and says that she placed in the United States mail, postage prepaid, a copy of the following, properly addressed:


DATE: July 13, 2005

DOCUMENTS: DEFENDANTS COUNTY OF WAYNE AND OTHER NAMED WAYNE
 COUNTY DEFENDANTS' ANSWER TO PLAINTIFF'S COMPLAINT,
 AFFIRMATIVE DEFENSES, JURY DEMAND, PROOF OF SERVICE,
 NOTICE OF APPEARANCE and COVER LETTER

TO: LEMUEL DEAN BROWN
 Plaintiff, In Pro Per, (P-00999)
 17601 Mound Road
 Detroit, MI 48212


Onnie Barnes Jacque

Subscribed and sworn to before me
on this 12th day of July, 2005


Rhonda L. Ross
Notary Public
Acting in County of Wayne, State of Michigan
My Commission Expires: _____

ORIGINAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LEMUEL DEAN BROWN,

Plaintiff,

v

CITY OF DETROIT, COUNTY OF WAYNE,
ET AL,

Defendants.

JUDGE : O'Meara, John Corbett
DECK : S. Division Civil Deck
DATE : 07/13/2005 @ 15:46:36
CASE NUMBER : 5:05CV60162
REM LEMUEL BROWN VS, WAYNE
COUNTY, ET AL (JMC)

MAGISTRATE JUDGE MORGAN

IN

PROOF OF SERVICE

STATE OF MICHIGAN)
) ss.
COUNTY OF WAYNE)

The undersigned, being first duly sworn, deposes and says that she placed in the United States mail, postage prepaid, a copy of the following, properly addressed:

DATE: July 13, 2005

DOCUMENTS: NOTICE OF FILING OF PETITION FOR REMOVAL
PETITION FOR REMOVAL OF CIVIL ACTION
AFFIDAVIT, EXHIBITS and COVER LETTER

TO: LEMUEL DEAN BROWN
Plaintiff, In Pro Per
(P-00999)
17601 Mound Road
Detroit, MI 48212

Subscribed and sworn to before me
on this 13th day of July, 2005

Rhonda L. Ross

Rhonda L. Ross

Notary Public

Acting in County of Wayne, State of Michigan

My Commission Expires: 03-09-07

Onnie Baines Jacque
Onnie Baines Jacque

RHONDA L. ROSS
NOTARY PUBLIC WAYNE CO., MI
MY COMMISSION EXPIRES Mar 9, 2007

O'Meara/60162/VMM

JS 44

(REV. 12/96)

CIVIL COVER SHEET

05-60162

COUNTY IN WHICH ACTION AROSE WAYNE

JOHN CORBETT O'MEARA

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Lemuel Dean Brown (In Pro Per)
17601 Mound Road
Detroit, Mich. 48212

DEFENDANTS MAGISTRATE JUDGE MORGAN

Wayne County
Onnie Barnes Jacque (P56003)
600 Randolph, Second Floor
Detroit, Mich. 48226

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF WAYNE
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT WAYNE
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Lemuel Dean Brown (In Pro Per)
17601 Mound Road
Detroit, Mich. 48212 no telephone #

ATTORNEYS (IF KNOWN)

Onnie Barnes Jacque (P56003)
600 Randolph, Second Floor
Detroit, Mich. 48226 (313) 224-5030

II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

VI. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 Original Proceeding
☒ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT		TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment	
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust	
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881		<input type="checkbox"/> 430 Banks and Banking	
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 630 Liquor Laws		<input type="checkbox"/> 450 Commercial/ICC Rates/etc.	
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine		<input type="checkbox"/> 640 R.R. & Truck		<input type="checkbox"/> 460 Deportation	
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability		<input type="checkbox"/> 650 Airline Regs.		<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle		<input type="checkbox"/> 660 Occupational Safety/Health		<input type="checkbox"/> 480 Selective Service	
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability		<input type="checkbox"/> 690 Other		<input type="checkbox"/> 490 Securities/Commodities/Exchange	
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury				<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	
<input type="checkbox"/> 190 Other Contract					<input type="checkbox"/> 810 Selective Service	
<input type="checkbox"/> 195 Contract Product Liability					<input type="checkbox"/> 830 Securities/Commodities/Exchange	
					<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	
					<input type="checkbox"/> 891 Agricultural Acts	
					<input type="checkbox"/> 892 Economic Stabilization Act	
					<input type="checkbox"/> 893 Environmental Matters	
					<input type="checkbox"/> 894 Energy Allocation Act	
					<input type="checkbox"/> 895 Freedom of Information Act	
					<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	
					<input type="checkbox"/> 950 Constitutionality of State Statutes	
					<input type="checkbox"/> 990 Other Statutory Actions	

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL UNLESS DIVERSITY.)

Plaintiff alleges 6th Amendment violation by Wayne County

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION DEMAND \$

CHECK YES only if demanded in Complaint:
JURY DEMAND: ☐ YES ☒ NO

VIII. RELATED CASE(S) (See instructions): IF ANY

JUDGE

DOCKET NUMBER

DATE 7/13/05 ✓

SIGNATURE OF ATTORNEY OF RECORD

Onnie Jacque with permission ✓

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously discontinued or dismissed?

☐ YES ☒ NO

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ YES ☒ NO

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

NOTES: